

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF NEW YORK

ROBERT W. VERYZER,

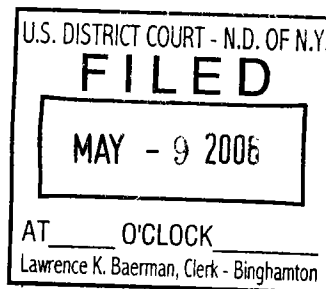
Plaintiff,

vs.

SMITHKLINE BEECHAM CORP. d/b/a
GLAXOSMITHKLINE, INC.

Defendant.

CASE NO. 1:05-CV-263 TJM/RFT



AGREED ORDER GRANTING MOTION TO DISMISS AND MOTION FOR STAY

On this day, the Court considered Defendant SmithKline Beecham Corporation d/b/a GlaxoSmithKline's Motion to Dismiss and Conditional Motion for Stay. The Court, having been informed that the parties have reached an agreement as described below, finds and orders as follows:

1. Plaintiff's claim based on the Hepatitis A vaccine, Havrix®, is dismissed without prejudice and may not be re-filed until either (i) a judgment on Plaintiff's petition for compensation as to any claim based on Havrix® has been entered by the U.S. Court of Federal Claims ("Vaccine Court") and Plaintiff has filed a timely election to reject that judgment under 42 U.S.C.A. § 300aa-21(a); or (ii) Plaintiff has filed a timely notice of withdrawal of any claim based on Havrix® from the Vaccine Court pursuant to 42 U.S.C.A. § 300aa-21(b).

2. The remaining proceedings in this matter are hereby stayed pending the conclusion of the events described above in paragraph 1.

SIGNED this 8th day of May, 2006.


UNITED STATES DISTRICT JUDGE